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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF:

Gerhard WOLF, et al.

EXAMINER: AHVAZI, BIJAN

SERIAL NO: 10/566,967

FILED: February 2, 2006

GROUP: 1796

FOR: SUPERFICIAL USE OF CATIONIC OR AMPHOTERIC POLYMERS ON  
SEMIFINISHED LEATHER PRODUCTS

APPEAL BRIEF

COMMISSIONER FOR PATENTS  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450

SIR:

This is an appeal of Claims 13-14, 18, 20, 22, 24, and 26 in the above-identified application and the rejections set forth in the Official Action mailed September 29, 2010.

I. Real Party of Interest

The real party of interest is BASF Aktiengesellschaft.

II. Related Appeals and Interferences

Appellants, Appellants' legal representative and their assignee are not aware of any appeals or interferences which will directly affect or be directly affected by or having a bearing on the Board's decision in this appeal.

III. Status of Claims

Claims 13-15 and 17-29 are the only claims pending in the above-identified application.

No claims that have been presented for examination have been allowed.

No claims that have been presented for examination have been denied entry.

Claims 15, 17, 19, 21, 23, 25, and 27-29 have been withdrawn from examination.

No claims that have been presented for examination stand objected to.

Claims 1-12 and 16 were canceled during prosecution.

Claims 13, 14, 18, 20, 22, 24 and 26 are the only elected claims in this application.

Claims 13, 14, 18, 20, 22, 24 and 26 stand rejected.

Claims 13, 14, 18, 20, 22, 24 and 26 are appealed herein.

Claims 13, 14, 18, 20, 22, 24 and 26 appear in the attached Claims Appendix.

Claim 13 is the only independent claim subject to examination in this application.

IV. Status of Amendments filed under 37 C.F.R. §1.116

A Response under 37 C.F.R. §1.116 was not filed. No amendments to the claims or new evidence were submitted following the Office Action mailed September 29, 2010.

Appellants now appeal the rejections set forth in the final Office Action mailed September 29, 2010.

V. Summary of the Claimed Subject Matter

The claimed invention is directed to A process for the treatment of leather, comprising:

- (a) applying at least one cationic or amphoteric aqueous treatment composition to leather by roll coating and/or roll application and/or spray application and subsequently
- (b) treating the leather with an anionic leather treatment composition in a drum, wherein the cationic or amphoteric aqueous treatment composition used in process step (a) is an epichlorohydrinamine polymer, the polymer having a weight average molar mass of from  $1 \cdot 10^2$  to  $2 \cdot 10^5$  g/mol, wherein the concentration of the polymer in water ranges from 5 to 50% by weight based on water. (See, at least, original Claim 1 presented in this application, and the specification at page 2, lines 28-40, page 3, lines 2-4 and the Examples.)

VI. Grounds of Rejection to be Reviewed on Appeal

1. Claims 13, 14, and 24 stand rejected under 35 U.S.C. §103(a) over Schmidt et al (US 4,775,385) in view of Kuwabara et al (US 5,676,707) and Parker (WO 2001/25386);
2. Claim 22 stands rejected under 35 U.S.C. §103(a) over Schmidt et al (US 4,775,385) in view of Kuwabara et al (US 5,676,707) and further in view of Buckman et al (US 4,054,542) and Parker (WO 2001/25386);
3. Claims 18 and 20 stand rejected under 35 U.S.C. §103(a) over Schmidt et al (US 4,775,385) in view of Kuwabara et al (US 5,676,707) and further in view of Ohno et al (US 6,809,147) and Parker (WO 2001/25386); and

4. Claim 26 stands rejected under 35 U.S.C. §103(a) over Schmidt et al (US 4,775,385) in view of Kuwabara et al (US 5,676,707) and further in view of Natoli et al (US 5,709,714) and Parker (WO 2001/25386).

VII. Arguments

(A) Claims 13, 14, and 24 stand rejected under 35 U.S.C. §103(a) over Schmidt et al (US 4,775,385) in view of Kuwabara et al (US 5,676,707) and Parker (WO 2001/25386). This rejection is untenable and should not be sustained.

In Claim 13, the present invention provides a process for the treatment of leather, comprising:

- (a) applying at least one cationic or amphoteric aqueous treatment composition to leather by roll coating and/or roll application and/or spray application and subsequently
- (b) treating the leather with an anionic leather treatment composition in a drum, wherein the cationic or amphoteric aqueous treatment composition used in process step (a) is an epichlorohydrinamine polymer, the polymer having a weight average molar mass of from  $1 \cdot 10^2$  to  $2 \cdot 10^5$  g/mol, wherein the concentration of the polymer in water ranges from 5 to 50% by weight based on water.

Schmidt et al disclose a process for dyeing leathers, water-soluble cationic polymers, suitable for that purpose, and process for their preparation. According to column 2, line 54 and following a process is disclosed, wherein leather is treated either before and/or during and/or after the dyeing with a polyamide-amine which is obtained by reacting polyacrylonitrile or acrylonitrile copolymers with one or more polyamines. After treatment of the leather with this cationic polymer mixture, the reaction product is treated with water or with a mixture of water and a water-mixable organic solvent.

Schmidt et al do not disclose the process according to presently pending Claim 13, because the feature that at least one cationic or amphoteric aqueous treatment composition is applied to leather by roll coating and/or roll application and/or spray application is missing in Schmidt et al. In addition, step (b) of the process according to claim 13, treating the leather with an anionic leather treatment composition in a drum, is missing, too. According to the Examiner, the skilled artisan would find the missing features of Schmidt et al in Kuwabara et al. (US 5,676,707). Appellants disagree.

Kuwabara et al disclose a leather coloring process comprising jetting ink onto a treated leather. According to column 3, line 55 and following, the leather treatment for leather coloring according to Kuwabara et al, is applied on a leather to be colored with a liquid ink containing the coloring material. According to column 4, lines 6 to 15, the liquid ink can be imparted to the leather by any method, including a method in which it is directly applied with a paint brush or the like, a method in which it is caused to adhere to only desired areas by using a stencil for textile printing, a method in which it is caused to adhere by jetting in the form of droplets through a jetting nozzle of a spray gun or the like, and a method in which it is caused to adhere by its jetting in the form of minute droplets to jetting nozzles of an in-jet printing head.

According to column 5, lines 29 to 61, the printing ink may contain a resin, i.e., starch, casein, gelatine, maleic anhydride resin, melamine resin, urea resin etc. According to example 1 in columns 10 and 11 of Kuwabara et al, the leather is treated with a solution (a) comprising polyvinylpyrrolidone and water, followed by treating with a solution (b) comprising styrene/acrylate copolymer in a water based emulsion, which is non-ionic.

The combination of Schmidt et al and Kuwabara et al does not point in the direction of the process according to claim 13, which is a process for the treatment of leather,

comprising steps (a) and (b), wherein in step (a) at least one cationic or amphoteric aqueous treatment composition is applied to leather by roll coating and/or roll application and/or spray application, followed by step (b) treating the leather with an anionic leather treatment composition in a drum, wherein in step (a) an epichlorohydrine amine polymer having a specific weight average molar mass is used in a high concentration of the polymer in water of 5 to 50 % by weight.

Thus, the key distinction between the claimed invention and the combination of Schmidt et al and Kuwabara et al is that neither of these disclosures provide the cationic or amphoteric aqueous treatment composition used in process step (a) which is an epichlorohydrineamine polymer having a weight average molar mass of from  $1 \times 10^2$  to  $2 \times 10^5$  g/mol wherein the concentration of the polymer in water is 5 to 50% by weight based on water.

The Examiner alleges that the skilled artisan would have found this missing feature obvious in view of Parker. Appellants disagree.

In the abstract and the first paragraph on page 1, Parker states that the field of endeavor that their invention relates is to fabric care compositions, including detergent compositions and laundry rinse compositions. Parker also relates to methods of treating fabrics using the compositions of the invention and to the use of anionic polymers in fabric care compositions. Appellants submit that the skilled artisan would clearly understand that the field of fabric care compositions as used in Parker is considerably different from the technical field of leather treatment compositions and processes for the treatment of leather according to the present application.

According to Parker, fabrics that have to be treated with care compositions defined therein are, for example, wool (see page 2, line 27) or cotton (see example on page 24, first

paragraph). Fabrics like wool or cotton are different from leather according to the present application. Leather is a durable and flexible material, created via the tanning of skin and therefore comprises proteins as building blocks. In contrast, cotton is made of cellulose (unbranched polysaccharides of glucose molecules which are connected in 1,4 positions).

Although wool also contains proteins, there are significant differences between wool and leather. Whereas wool contains a protein called creatine, leather contains a protein called collagen. Creatine and collagen show significant chemical differences, for example with respect to type and amount of amino carboxylic acids being present in the respective proteins. For example, whereas wool contains a large amount of sulfur due to the presence of sulfur containing amino carboxylic acid cysteine, this is not the case for collagen. The skilled artisan, then, would not take into account a disclosure relating to cotton or wool when considering leather due to chemical differences between these materials. "If proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification." *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984) For this reason alone, the obviousness rejection should fall.

Moreover, at the time of the present invention, it was known to the skilled artisan that, for example, reactive dyes that are suitable to be used with wool or cotton could not be transferred to leather. Thus, the skilled artisan with Parker in hand would not have found any reason and/or motivation to combine this reference with Schmidt et al and/or Kuwabara et al.

Moreover, Parker does not disclose or suggest the concentration of the polymer as claimed. According to page 6, at line 27, of the present application, the cationic or amphoteric aqueous treatment compositions are adsorbed in a controlled manner on to the leather. Consequently, a dye or a fat is fixed very well on the leather. By means of the novel

process of the claimed invention, it is therefore possible to obtain high fastness level of the treated leather (color fastness) and at the same time reduce the individual repair costs. Moreover, the leather quality as a whole is improved, in particular with respect to the levelness, step of color and number of defects.

Specifically, the advantages which can be obtained by the process of the claimed invention is clearly shown by the examples which are presented on pages 7 to 9 of the description of the present application.

In example 1, an epicblorohydrine-dimethylaminopropylamine/benzylamine polymer according to claim 13 is prepared. In example 2, the effect of the mentioned polymer for improving the fastness level without pigment is shown. According to lines 26 to 28 on page 7, the dying of the leather which is obtained from the process according to claim 13 of the present application is substantially more intense than in a comparative experiment without the use of the cationic assistant in the concentration, as claimed in claim 13.

In example 3, it is shown that the fastness level with pigment is also improved. According to lines 3 to 7 of page 8, the dying of the leather is substantially more intense than the comparative experiment without the use of the novel compound. Likewise, the levelness of the leather is substantially increased. In particular, the light fastness is substantially improved in comparison with the blank test.

In example 4 it is shown that the surface can be modified with the process according to claim 13. According to lines 14 to 17 on page 8, after drying of the leather, the print of the engraving is clearly recognizable on the leather through a deeper color. The surface leathers can thus be easily modified individually by means of printing processes.



Examples 1 to 4 which are present in the description of the present application clearly show that the use of the specific polymer in the specific amount according to claim 13 of the presently amended set of claims gives rise to improved leathers.

Accordingly, although Schmidt et al disclose that cationic polymers may be used in the treatment of leather, the polymers that are disclosed in Schmidt et al (see column 4) do not point in the direction of the specific polymer according to the present application. In Schmidt et al a nitrile polymer (a) is used as a first constituent for preparing the amine polymers, which comprises a polyacrylonitrile or a copolymer that has been prepared from acrylonitrile monomers and from acrylic acid, alkyl acrylate, methacrylic acid, alkylmethacrylate, methacrylonitrile, acrylamides, N-acrylacrylamide, etc. Cationic polymers according to the present invention are not disclosed in Schmidt et al. Thus, Schmidt et al does not provide any reasonable expectation of the benefits illustrated above.

Evidence of unobvious or unexpected advantageous properties, such as superiority in a property the claimed compound shares with the prior art, can rebut *prima facie* obviousness. "Evidence that a compound is unexpectedly superior in one of a spectrum of common properties . . . can be enough to rebut a *prima facie* case of obviousness." No set number of examples of superiority is required. *In re Chupp*, 816 F.2d 643, 646, 2 USPQ2d 1437, 1439 (Fed. Cir. 1987) Thus, the presently claimed invention clearly provides an advantage as compared to the method disclosed in Schmidt et al. Specifically, Appellants submit that the claimed process and the aforementioned benefits flowing therefrom are not suggested or apparent in any way from the disclosures of Schmidt et al, Kuwabara et al, and Parker.

Moreover, Appellants submit that the artisan would have never arrive at the combination of Schmidt et al, Kuwabara et al, and Parker as the Examiner has done by applying an "*a posteriori*" analysis largely based on Applicants' invention rather than the

state of the art existing at the time of their invention (impermissible hindsight must be avoided and the legal conclusion must be reached on the basis of the facts gleaned from the prior art” (MPEP 2142)). Specifically, Appellants submit that Schmidt et al, Kuwabara et al, and Parker are not analogous art as the Examiner alleges on page 4, last paragraph of the Office Action mailed September 29, 2010 (“Schmidt et al, Kuwabara et al, and Parker are analogous art because they are from the same field of endeavor, namely that of the process for the treatment of leather.”).

Parker is not from the technical field of treatment of leather. According to the Abstract of Parker, the compositions according to this reference have improved dye-transfer and stain release properties and may be used in methods of treating fabric as part of the laundering process. The same statement is made on page 1 of Parker under “technical field”, wherein it is stated that this invention relates to fabric care compositions. Furthermore, all the documents that are cited as background and prior art deal with laundry detergent compositions for treating fabrics, for example wool (see page 2, lines 27 of Parker). The same applies to the documents cited on page 3 of Parker, wherein US 4,371,517 has the technical field of treating fibrous materials like cotton fabric. DD 221922 discloses the use of co-emulsifiers in fabric softeners, etc. According to page 4, lines 14-27 of Parker, the reactive polymers being present in the composition are each capable of self-crosslinking and/or crosslinking to cellulose. Crosslinking to cellulose is an essential feature of the composition according to Parker, because cotton fabrics are the primary target of their composition. Underscoring the foregoing is the examples on pages 23-27 of Parker. Particular reference is made to page 24, first paragraph, where the test procedure is described – three pieces of undyed woven cotton sheeting and one piece of printed fabric are used for fabric care evaluation.

Parker, therefore, is clearly not related to the technical field of treatment of leather and is certainly not analogous art with Schmidt et al and Kuwabara et al. Although *KSR International Co. v. Teleflex Inc.*, 82 USPQ2d 1385, 1397 (2007) has somewhat loosened the requirements for the combination of art stating “a reference in a field different from that of applicant's endeavor may be reasonably pertinent if it is one which, because of the matter with which it deals, logically would have commended itself to an inventor's attention in considering his or her invention as a whole,” even this statement does not save the improper combination of Schmidt et al, Kuwabara et al, and Parker.

Indeed, as stated above, Schmidt et al and Kuwabara et al deal with compositions and methods for treating leather, whereas Parker deal with compositions and methods for treating fabrics, especially cotton. As explained above, there are significant differences between leather and cotton at least based upon their structural building units. Whereas wool is made from creatine and cotton is made of cellulose units, leather contains a protein called collagen. Again, creatine and collagen show significant chemical differences, for example with respect to type and amount of amino carboxylic acids being present in the respective proteins. For example, whereas wool contains a large amount of sulfur due to the presence of sulfur containing amino carboxylic acid cysteine, this is not the case for collagen. The skilled artisan, then, would not take into account a disclosure relating to cotton or wool when considering leather due to chemical differences between these materials. As such, Parker does not belong to the same field of endeavor as Schmidt et al and Kuwabara et al, nor is the disclosure of Parker reasonably pertinent because of the matter with which it deals, does not logically commend itself to an inventor's attention in considering his or her invention as a whole.

In summary, the skilled artisan would not have taken Parker into account when viewing the other cited disclosures due to fact that Parker relates to a different field of endeavor (fabric treatment compositions, for example detergent compositions). Furthermore, non of the cited references lead to the selection of epichlorohydrineamine-polymers as presently claimed for use as a leather treatment agent. The skilled artisan would not, therefore, have known that the specific cationic polymers according to the presently claimed invention can be used in leather treatment processes at as of the date of the present invention. Thus, the process as presently claimed is not obvious in view of the cited disclosures.

In order to obtain the process according to claim 13 of the present application, the skilled artisan would have to combine Schmidt et al, Kuwabara et al, and Parker. Further, he or she must identify cationic or amphoteric aqueous treatment composition used in process step (a) that meets the claim limitations despite the incompatibility of Schmidt et al and Kubara et al with Parker. The skilled artisan would also have to change the amount in which the polymer is present in the treatment composition to high amounts according to the present invention. This multi-step procedure to modify the cited art could not be done the skilled artisan without inventiveness or without Appellants' disclosure. Either way, this would not be sufficient to support an obviousness case. .

In view of the foregoing, the presently claimed invention is not disclosed or suggested by the combined disclosures of Schmidt et al, Kuwabara et al, and Parker. Indeed, the skilled artisan would not have any basis to combine the these references and even in so doing would not obtain the presently claimed process.

Thus, the reasons given above, it is respectfully requested that this rejection be REVERSED.

**(B)** Claim 22 stands rejected under 35 U.S.C. §103(a) over Schmidt et al (US 4,775,385) in view of Kuwabara et al (US 5,676,707) and further in view of Buckman et al (US 4,054,542) and Parker (WO 2001/25386). This rejection is untenable and should not be sustained.

The combination of Schmidt et al, Kuwabara et al, and Parker is discussed above in section VII.A. and is incorporated by reference into this section. Thus, Claim 22 is distinguishable from the disclosures of Schmidt et al, Kuwabara et al, and Parker at least because this combination of references fails to support an obviousness rejection of Claim 13 from which it depends. Moreover, Appellants submit that Buckman et al fails to compensate for the deficiencies in the combination of Schmidt et al, Kuwabara et al, and Parker discussed above.

Buckman et al disclose amine-epichlorohydrine polymeric compositions formed by reacting polymeric bis(3-chloro-2-hydroxypropyl)amines with tertiary amines, which are useful in paper making processes, in water purification processes, textiles, manufacturing processes and for the control of pests such as algae, bacteria and fungi (see Abstract).

The structure of these cationic, water-soluble amine-epichlorohydrine polymers according to Buckman et al is shown in column 2, lines 12 to 63. In addition, in column 5, lines 47 to 65, Buckman et al disclose a process for the preparation of paper or paperboard wherein an aqueous fluid containing cellulosic pulp and other paper-making ingredients are formed into a sheet on a Fourdrinier wire cloth, wherein one or more polymers according to Buckman et al are added to the aqueous fluid before the furnish contacts the Fourdrinier wire cloth. According to lines 57 to 65 of column 5 of Buckman et al, these polymers are added at concentrations ranging from 0.05 to 2 % based on the weight of the dry pulp. According to column 6, line 66, the polymers according to Buckman et al can also advantageously be used in various operations used for the processing of cotton textiles.

The combination of Schmidt et al, Kuwabara et al, Parker, and Buckman et al, does not point in the direction of the process according to claim 13, which is a process for the treatment of leather, comprising steps (a) and (b), wherein in step (a) at least one cationic or amphoteric aqueous treatment composition is applied to leather by roll coating and/or roll application and/or spray application, followed by step (b) treating the leather with an anionic leather treatment composition in a drum, wherein in step (a) an epichlorohydrine amine polymer having a specific weight average molar mass is used in a high concentration of the polymer in water of 5 to 50 % by weight.

Thus, the key distinction between the claimed invention and the combination of Schmidt et al and Kuwabara et al is that neither of these disclosures provide the cationic or amphoteric aqueous treatment composition used in process step (a) which is an epichlorohydrineamine polymer having a weight average molar mass of from  $1 \times 10^2$  to  $2 \times 10^5$  g/mol wherein the concentration of the polymer in water is 5 to 50% by weight based on water. This deficiency is not compensated for by either Parker or Buckman et al.

To the extent that the Examiner also relies upon Buckman et al, Appellants submit that the skilled artisan would not take Buckman et al into account in order to improve a process for treating leather, because he or she would not find it reasonable that a process for treating of paper or paperboard according to Buckman et al can also be applied to a leather-treating process according to claim 13 of the present application.

Although it is mentioned in Buckman et al, that the polymers which are mentioned in this document can also be used for the treatment of cotton textiles, this does not suggest to use the polymers in leather-treating processes, because the surface of a cotton textile is completely different compared to a leather surface.

In addition, the skilled artisan would not discover from Buckman et al that the mentioned polymer shall be used in a very low amount of only 0.05 to 2 %, see column 5, lines 60 to 64 of Buckman et al. The skilled artisan would not discover, from this teaching, that in leather treatment processes, the mentioned polymers shall be used in high amounts of 5 to 50 %by weight.

In order to obtain the process according to claim 13 of the present application, the skilled artisan would have to combine Schmidt et al, Kuwabara et al, Parker, and Buckman et al. Further, he or she must identify cationic or amphoteric aqueous treatment composition used in process step (a) that meets the claim limitations despite the incompatibility of Schmidt et al and Kubara et al with Parker. He or she must take into account that a polymer which is suitable for treatments of paper or paperboards according to Buckman et al can also be used in leather treatment, which would not be found reasonable by the skilled artisan. The skilled artisan would also have to change the amount in which the polymer is present in the treatment composition from a very low amount according to Buckman et al to high amounts according to the present invention. This multi-step procedure to modify the cited art could not be done the skilled artisan without inventiveness or without Appellants' disclosure. Either way, this would not be sufficient to support an obviousness case. .

In view of the foregoing, the presently claimed invention is not disclosed or suggested by the combined disclosures of Schmidt et al, Kuwabara et al, Parker, and Buckman et al. Indeed, the skilled artisan would not have any basis to combine the these references and even in so doing would not obtain the presently claimed process.

Thus, the reasons given above, it is respectfully requested that this rejection be REVERSED.

(C) Claims 18 and 20 stand rejected under 35 U.S.C. §103(a) over Schmidt et al (US 4,775,385) in view of Kuwabara et al (US 5,676,707) and further in view of Ohno et al (US 6,809,147) and Parker (WO 2001/25386). This rejection is untenable and should not be sustained.

The combination of Schmidt et al, Kuwabara et al, and Parker is discussed above in section VII.A. and is incorporated by reference into this section. Thus, Claims 18 and 20 is distinguishable from the disclosures of Schmidt et al, Kuwabara et al, and Parker at least because this combination of references fails to support an obviousness rejection of Claim 13 from which it depends. Moreover, Appellants submit that Ohno et al fails to compensate for the deficiencies in the combination of Schmidt et al, Kuwabara et al, and Parker discussed above.

Ohno et al is merely disclosed as providing a polyamine modified compound, which the Examiner alleges meets the ratio of amine units to epichlorohydrin units being from 0.8 : 1.2 to 1.2 : 0.8 required in Claims 18 and 20 for step (a) in the claimed process. The Examiner further alleges that the skilled artisan would have found Ohno et al to be “analogous art” because it pertains to a “process for the treatment of leather”. This allegation is inaccurate. Ohno et al relates to a thermosetting composition, and more particularly a thermosetting composition which comprises an acrylic plastisol of acrylic resin particles having a gradient-type structure having a certain thermosetting material formulated therein and thereby has enhanced storage stability and solid physical properties (elongation, strength) and is useful as, such as, automotive body sealers or undercoats. (see column 1, lines 8-15). There is nothing analogous between treating leather as automotive body sealers and undercoats. Thus, much like Parker, Ohno et al does not belong to the same field of endeavor as Schmidt et al and Kuwabara et al, nor is the disclosure of Ohno et al reasonably pertinent



because of the matter with which it deals, does not logically commend itself to an inventor's attention in considering his or her invention as a whole. In summary, the skilled artisan would not have taken Parker or Ohno et al into account when viewing the other cited disclosures due to fact that neither Parker nor Ohno et al relates to a different field of endeavor.

Thus, the reasons given above, it is respectfully requested that this rejection be REVERSED.

**(D)** Claim 26 stands rejected under 35 U.S.C. §103(a) over Schmidt et al (US 4,775,385) in view of Kuwabara et al (US 5,676,707) and further in view of Natoli et al (US 5,709,714) and Parker (WO 2001/25386). This rejection is untenable and should not be sustained.

The combination of Schmidt et al, Kuwabara et al, and Parker is discussed above in section VII.A. and is incorporated by reference into this section. Thus, Claims 18 and 20 is distinguishable from the disclosures of Schmidt et al, Kuwabara et al, and Parker at least because this combination of references fails to support an obviousness rejection of Claim 13 from which it depends. Natoli et al is merely disclosed as providing a disclosure that leather treatment compositions can be applied to the surface of crust leather before the finishing step. However, Appellants submit that Natoli et al fails to compensate for the deficiencies in the combination of Schmidt et al, Kuwabara et al, and Parker discussed above.

Thus, the reasons given above, it is respectfully requested that this rejection be REVERSED.

VIII. CONCLUSION

For the above reasons, Claims 13-14, 18, 20, 22, 24, and 26 are patentable over the art of record. Therefore, the Examiner's rejection should be REVERSED.

Respectfully submitted,

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Attachments: Claims Appendix:  
Evidence Appendix  
Related Proceedings Appendix

CLAIMS APPENDIX

Claims involved in this Appeal of U.S. Application Serial No. 10/566,967. The text of the withdrawn and canceled claims are omitted.

Claims 1-12 (Canceled).

Claim 13: A process for the treatment of leather, comprising:

- (a) applying at least one cationic or amphoteric aqueous treatment composition to leather by roll coating and/or roll application and/or spray application and subsequently
- (b) treating the leather with an anionic leather treatment composition in a drum, wherein the cationic or amphoteric aqueous treatment composition used in process step (a) is an epichlorohydrinamine polymer, the polymer having a weight average molar mass of from  $1 \cdot 10^2$  to  $2 \cdot 10^5$  g/mol, wherein the concentration of the polymer in water ranges from 5 to 50% by weight based on water.

Claim 14: The process as claimed in claim 13, wherein the leather is dried between process step (a) and (b) and/or wherein the leather resulting from process step (b) is dried.

Claim 15 (Withdrawn):

Claim 16 (Canceled):

Claim 17 (Withdrawn):

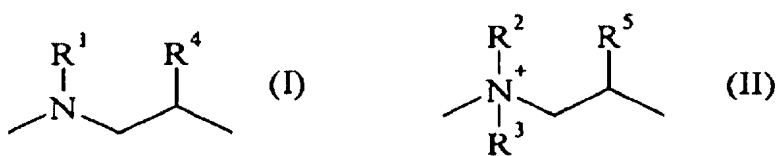
Claim 18: The process as claimed in claim 13, wherein the epichlorohydrinamine polymer in the cationic or amphoteric aqueous treatment composition used in process step (a) comprises amine units and epichlorohydrin units, the ratio of amine units to epichlorohydrin units being from 0.8 : 1.2 to 1.2 : 0.8.

**Claim 19 (Withdrawn):**

Claim 20: The process as claimed in claim 18, wherein the amine units comprise from 0.5 to 0.8 part of dimethylaminopropylamine and from 0.2 to 0.5 part of benzylamine.

**Claim 21 (Withdrawn):**

Claim 22: The process as claimed in claim 13, wherein the epichlorohydrinamine polymer in the treatment composition in process step (a) has at least two general structural units (I) and (II)



where  $R^1, R^2, R^3, R^4$  and  $R^5$  have the following meanings:

R<sup>1</sup> and R<sup>2</sup>    -(CH<sub>2</sub>)<sub>3</sub>N(CH<sub>3</sub>)<sub>2</sub>, -CH<sub>2</sub>C<sub>6</sub>H<sub>5</sub>, -(CH<sub>2</sub>)<sub>2</sub>NH<sub>2</sub>, -(CH<sub>2</sub>)<sub>2</sub>OH, -  
(CH<sub>2</sub>)<sub>2</sub>NH(CH<sub>2</sub>)<sub>2</sub>NH<sub>2</sub>

R<sup>3</sup>: H or alkyl,

 $R^4$  and  $R^5$ : H or OH.

Claim 23 (Withdrawn):

Claim 24: The process as claimed in claim 13, wherein the anionic treatment composition is at least one composition selected from the group consisting of dyes, fatliquoring agents and retanning agents.

Claim 25 (Withdrawn):

Claim 26: The process as claimed in claim 13, wherein the cationic or amphoteric aqueous treatment composition in process step (a) is applied only to the crust surface of the leather.

Claims 27 – 29 (Withdrawn):

EVIDENCE APPENDIX

None

RELATED PROCEEDINGS APPENDIX

None